

## **Article 1.**

### **General Provisions**

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## **General Provisions**

### **Sec. 1.1. Title.**

This Chapter establishes the regulations and standards governing the use and development of land within the Town of Frederick. Included are provisions for the annexation, subdivision and zoning of land, as well as the administrative procedures governing the submission of applications, administrative and public reviews, and appeals. Also included are Town standards for site design, landscaping, parking and public infrastructure.

### **Sec. 1.2. Short titles.**

- (a) This Chapter shall be known and may be cited as the *Frederick Land Use Code*. Within this Chapter, the *Frederick Land Use Code* shall simply be referred to as "this Code."
- (b) The *Frederick Comprehensive Plan, 1996* shall simply be referred to as the *Comprehensive Plan*; the *Land Use and Public Facilities Map Frederick Comprehensive Plan, 1996* shall be referred to as the *Land Use and Public Facilities Map*; the *Transportation Map Frederick Comprehensive Plan, 1996* shall be referred to the *Transportation Map*; and the *Parks, Open Space and Recreation Map Frederick Comprehensive Plan, 1996* shall be referred to as the *Parks and Open Space Map*.

### **Sec. 1.3. Authority.**

- (a) This Code is adopted pursuant to the authority contained in state statutes (C.R.S.). Local governments are provided broad authority to plan for and regulate the use of land within their jurisdictions, as authorized in Title 31, Article 23 et seq., C.R.S., as amended.
- (b) Whenever a section of the state statutes that is referred to in this Code is later amended or superseded, this Code is deemed amended to refer to the amended section or section that most nearly corresponds to the superseded section.

### **Sec. 1.4. Jurisdiction.**

- (a) This Code shall be effective throughout the Town's corporate boundaries. The Town's planning jurisdiction includes all land within the Town, and where applicable, the land within three (3) miles of the Town's boundaries with reference to a major street plan. For purposes of zoning and subdivision, this Code only applies to lands within the Town's corporate boundaries.
- (b) A copy of a map showing the boundaries of the Town and the area within the three-mile planning jurisdiction shall be available for public inspection in the Town offices.

### **Sec. 1.5. Purpose.**

The purpose of this Code is to create a vital, cohesive, well-designed community in order to enhance the Town's small-town character and further the citizens' goals as identified in the Comprehensive Plan. This Code is designed to:

- (1) Encourage the most appropriate use of land through the Town;

- (2) Encourage innovative, quality site design, architecture and landscaping;
- (3) Encourage new developments to relate to the Town's historic development pattern;
- (4) Promote compact, well-defined, sustainable neighborhoods that enhance the Town's character;
- (5) Create livable neighborhoods that foster a sense of community and reduce dependency on private vehicles;
- (6) Encourage the proper arrangement of streets in relation to existing and planned streets and ensure that streets facilitate safe, efficient and pleasant walking, biking and driving;
- (7) Provide a variety of lot sizes and housing types in every neighborhood;
- (8) Protect sensitive natural and historic areas and the Town's environmental quality;
- (9) Integrate a high quality natural environment into the developed portions of the community;
- (10) Facilitate the adequate and efficient provision of transportation, water, sewage, schools, parks and other public requirements;
- (11) Provide protection from geologic, flood and fire hazards and other dangers; and
- (12) Promote the health, safety, morals and general welfare of Town residents.

#### **Sec. 1.6. Interpretation.**

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or that imposing the higher standards shall govern.

#### **Sec. 1.7. Applicability of Code.**

- (a) The provisions of this Code shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in this Code. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code.
- (b) Except as herein provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, altered, repaired, moved or structurally altered except in conformance with the regulations herein specified for the zone district in which it is located, nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein. Whenever both the provisions of this Code and provisions of any other law cover the same subject matter, whichever rule is more restrictive shall govern.

- (c) This Code establishes procedural and substantive rules for obtaining the necessary approval to develop land and construct buildings and structures. Development applications will be reviewed for compliance with the Comprehensive Plan and with adopted regulations, policies and other guidelines.

#### **Sec. 1.8. Relationship to existing ordinances.**

All ordinances or resolutions or motions of the Board of Trustees of the Town or parts thereof in conflict with this Code are to the extent of such conflict hereby superceded and repealed, provided that no such repealer shall repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby. The adoption of this Code shall not adversely affect the Town's right to seek remedies for any violation of previous ordinances that occurred while those ordinances were in effect.

#### **Sec. 1.9. Relationship to Comprehensive Plan.**

It is the intention of the Town that this Code implement the planning policies adopted in the Comprehensive Plan for the Town and its extraterritorial planning area. While this relationship is reaffirmed, it is the intent of the Town that neither this Code nor any amendment to it may be challenged on the basis of any alleged nonconformity with the Comprehensive Plan.

- (1) Requirement for Comprehensive Plan amendment. Where a development proposal would be in substantial conflict with the Comprehensive Plan, an amendment to the Comprehensive Plan will be required prior to any zoning or subdivision approvals. A substantial conflict will exist when a development proposal would result in changes from the designations of the Land Use Plan Map, Transportation Plan Map or Parks and Open Space Map in the Comprehensive Plan.
- (2) Criteria for evaluating amendment proposals. Amendments to the Comprehensive Plan resulting from development proposals under this Code shall be evaluated according to the criteria and procedure outlined in the Comprehensive Plan.

#### **Sec. 1.10. Effective date.**

The provisions of this Code became effective April 20, 2002 and were originally adopted on March 14, 2002. Development plans approved under previous regulations that received vested property rights through a site specific development plan shall be valid for the duration of that vested property right, provided that all terms and conditions of the site specific development plan are followed. Existing legal uses that may become nonconforming by adoption of this Code shall become legal nonconforming uses subject to the provisions of Section 3.8.

#### **Sec. 1.11. Fees.**

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters will be charged to applicants for permits, plat approvals, zoning amendments, variances and other administrative relief. The fee schedule will be adopted periodically by the Board of Trustees and is available from the Town offices.

#### **Sec. 1.12. Severability.**

If any part, section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Code. The Board of Trustees hereby declares that it would have passed this Code, including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one (1) or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

#### **Sec. 1.13. Computation of time.**

- (a) In computing a period of days, the first day is excluded and the last day is included.
- (b) If the last day of any period is a Saturday, Sunday or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday or legal holiday.
- (c) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

#### **Sec. 1.14. Miscellaneous.**

- (a) As used in this Code, words used in the singular include the plural and words used in the plural include the singular.
- (b) The words *must*, *shall* and *will* are mandatory; *may*, *can*, *should* and *might* are permissive.

#### **Sec. 1.15. Land Use Code amendments.**

- (a) Initiation of amendments. The Board of Trustees may from time to time amend, supplement, change or repeal the regulations and provisions of this Code. Amendments to this Code may be initiated by the Board of Trustees, Town staff, the Planning Commission or written application of any property owner or resident of the Town.
- (b) Planning Commission review and action on Code amendment. The Planning Commission shall review the Code amendment based on the criteria for amendments to the Code. The Planning Commission shall then make a recommendation to the Board of Trustees regarding the proposed amendment to this Code.
- (c) Set Board of Trustees public hearing and public notification process. The Board of Trustees shall schedule a public hearing for the purpose of taking action on the proposed Code amendment. The Town Clerk shall publish notice in a newspaper of general circulation not less than fifteen (15) days before the date of hearing.
- (d) Board of Trustees public hearing and action on Code amendment. The Board of Trustees shall, after receiving the report and recommendations from the Planning Commission, hold a public hearing and act upon the proposed amendment. Following the required hearing, the Board of Trustees shall consider the comments and evidence presented at the hearing and evaluate the proposed amendment in accordance with the criteria listed below and approve, approve with modifications or deny the proposed amendment, in whole or in part.

- (e) Criteria for text amendments to Code. For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the text of this Code shall not be amended except:
  - (1) To correct a manifest error in the text of this Code;
  - (2) To provide for changes in administrative practices as may be necessary to accommodate changing needs of the community and the Town staff;
  - (3) To accommodate innovations in land use and development practices that were not contemplated at the adoption of this Code; or
  - (4) To further the implementation of the goals and objectives of the Comprehensive Plan. (Ord. 668 §1, 2002)

#### **Sec. 1.16. Definitions.**

Terms used in this Code are defined as follows:

***Accessory building*** means a subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use. Accessory buildings are only permitted when they are incidental or accessory to an existing and permitted principal or conditional use.

***Accessory dwelling*** means an apartment integrated within a single-family dwelling or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings. Accessory dwellings shall be limited to eight hundred fifty (850) square feet in floor area. For purposes of calculating residential density, each accessory dwelling shall count as one-half (½) dwelling unit. There shall not be more than one (1) accessory dwelling located on a lot in addition to the single-family dwelling.

***Accessory use*** means a subordinate use, clearly incidental and related to the main structure, building or use of land, and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.

***Adjacent*** means meeting or touching at some point, or separated from a lot or parcel by one (1) of the following: a street, alley or other right-of-way, lake stream or open space.

***Adjacent property owner*** is an owner of record of any estate, right or interest in real property abutting and within three hundred (300) feet of the subject property.

***Adult-oriented use*** means a use of property where the principal use, or a significant or substantial adjunct to another use of the property, is the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to *specified sexual activities* or *specified anatomical areas* as the primary attraction to the premises, including, but not limited to:

- a. **Adult arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- b. **Adult bookstore or adult video store** means a place where books, magazines, motion pictures, prints, photographs, periodicals, video or audio recordings, novelties and devices, or any of these things, which have as their primary or dominant theme, matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, are sold or offered for sale to adults; and includes a place with only a portion or section of its area set aside for the display or sale of such material to adults, except that any place, otherwise included within this definition, that derives not more than ten percent (10%) of its gross income from the sale of such material shall be exempt from the provisions of this Section so long as such material is kept in a location where it is not visible and shall not be a self-service item for the customers of such place.
- c. **Adult cabaret** means a nightclub, bar, restaurant or similar business which regularly features:
  - 1. Persons who appear in a state of nudity;
  - 2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  - 3. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- d. **Adult motel** means a hotel, motel or similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- e. **Adult motion picture theater** means a business where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- f. **Adult photo studio** means any establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing *specified anatomical areas*.
- g. **Adult theater** means a theater, concert hall, auditorium or similar business which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

- h. ***Peep booth*** means a viewing room, other than a private room, of less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there are exhibited photographs, films, motion pictures, video cassettes or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
- i. ***Private room*** means a room in an adult motel that is not a peep booth, has a bed in the room, has a bath in the room or adjacent to the room, and is used primarily for lodging.
- j. ***Sexual encounter establishment*** means a business or commercial establishment which, as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one (1) or more of the persons exposes any specified anatomical area.
- k. ***Sexually oriented business*** means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:
  - 1. The opening or commencement of any sexually oriented business as a new business;
  - 2. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business;
  - 3. The addition of any sexually oriented business to any other existing sexually oriented business;
  - 4. The relocation of any sexually oriented business; or
  - 5. The continuation of a sexually oriented business in existence on the effective date of the initial ordinance codified herein.
- l. ***Specified anatomical areas*** means:
  - 1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point above the top of the areola.
  - 2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- m. ***Specified sexual activities*** means acts, simulated acts, exhibitions, representations, depictions or descriptions of:
  - 1. Human genitals in a state of sexual stimulation or arousal.
  - 2. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.



3. Intrusion, however slight, of any object, any part of an animal's body or any part of a person's body into the genital or anal openings of any person's body or into the body of an animal.
  4. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
  5. Flagellation, mutilation or torture for purposes of sexual arousal, gratification or abuse.
- n. **Stage** means a raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty-six (36) square feet in area.

**Agricultural activity** means farming, including plowing, tillage, cropping, utilization of best management practices, seeding, cultivating or harvesting for the production of food and fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise.

**Agricultural land** means land that is being used for agricultural activities.

**Alley** means a minor or secondary way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Alteration** means any change, addition or modification in construction, occupancy or use.

**Amusement center** means an establishment providing completely enclosed recreation activities including, but not limited to bowling, roller skating or ice skating, billiard, pool, motion picture theaters and related amusements. Accessory uses may include the preparation and serving of food and/or sale of equipment related to the enclosed uses.

**Amusement park** means an outdoor enterprise whose main purpose is to provide the general public with entertaining activity, where tickets are sold or fees collected at the activity. Commercial amusements include miniature golf courses, outdoor arcades, Ferris wheels, children's rides, roller coasters, skateboard parks, go-cart tracks, water parks and similar uses.

**Animal boarding** means the operation of an establishment in which domesticated animals other than household pets are housed, groomed, bred, boarded, trained or sold. This term shall not include the operation of a kennel.

**Applicant** is the owner of land, the owner's authorized representative or the optionee of the land, as well as mineral owners and lessees.

**Appurtenances** means the visible, functional or ornamental objects accessory to and part of a building.

**Aquifer recharge area** means an area where water is absorbed into a natural aquifer adding to the zone of saturation.

**Arcade** is a series of arches supported on piers or columns.

**Area of lot** means the total horizontal area within the lot lines of a lot.

**Automotive repair, major** means an establishment primarily engaged in the repair or maintenance of commercial and heavy-truck-oriented motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender and major engine and engine part overhaul, provided that it is conducted within a complete enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

**Automotive repair, minor** means an establishment primarily engaged in the repair or maintenance of passenger and light-truck-oriented motor vehicles, trailer and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, car washing, detailing, polishing or the like, provided that it is conducted within a completely enclosed building. Such use shall not include the sale of fuel, gasoline or petroleum products.

**Awning** means a roof-like cover of canvas or other material extending in front of a doorway or window, or over a deck, to provide protection from the sun or rain.

**Awning sign** means a wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

**Bar or tavern** means an establishment providing or dispensing fermented malt beverages and/or malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks is secondary.

**Beacon, revolving** means a rotating source of light.

**Bed and breakfast** means an establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee and which is occupied by the operator of such establishment.

**Bikeway** means a path designed for use by bicyclists, which may be used by pedestrians.

**Blank wall** means an exterior building wall with no openings and a single material and uniform texture on a single plane.

**Block** means a unit of land, or a group of lots, bounded by streets or by a combination of streets and public lands or other rights-of-way other than an alley, waterways or any barrier to the continuity of development, or land which is designated as a block on any recorded subdivision tract.

**Block diversity plan** is a plan provided by an applicant which demonstrates that an adequate mix of housing models and styles is offered within a neighborhood and within each block face. The intent is to ensure that diverse and quality design elements are integrated into the character of residential homes and streets. A block diversity plan shall be required for the following:

1. Single-family detached and duplex housing; and

2. Multi-family stacked units, including condominiums and apartments.

The submittal requirements for the block diversity plan are specified in Subsections 2.19(c)(1), single-family detached and duplex dwellings, and 2.19(e)(1), multi-family stacked units, including condominiums and apartments.

**Board of Trustees (Board)** means the governing board of the Town of Frederick.

**Boarding and rooming house** means a building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word *compensation* shall include compensation in money, services or other things of value.

**Building** means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind, which is governed by the following characteristics:

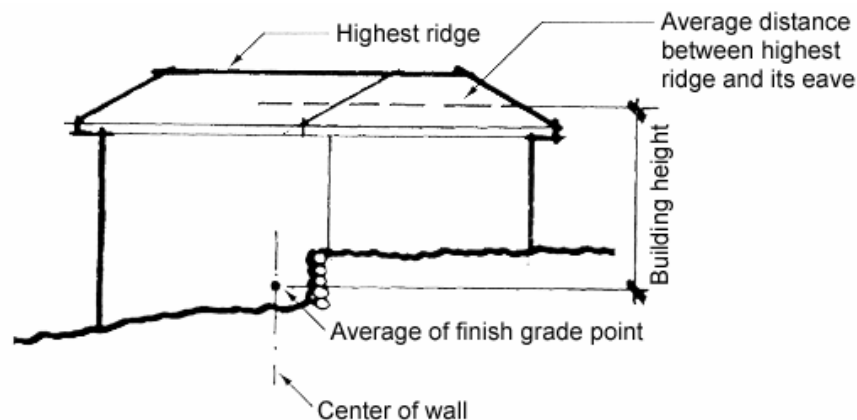
- a. Is permanently affixed to the land.
- b. Has one (1) or more floors and a roof.

**Building code** means the set of standards that must be followed in the construction and remodeling of buildings and structures. The building code used by the Town is the *Uniform Building Code*.

**Building frontage** means the horizontal, linear dimension of that side of a building which abuts a street, parking area, mall or other circulation area open to the public and has either a main window display or a public entrance to the building.

**Building height** is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

**Figure 1-1**  
**Building Height Measurement**



**Caliper** means the American Association of Nurserymen standard for trunk measurement of nursery stock, as measured at six (6) inches above the ground for trees up to and including four-inch caliper size, and as measured at twelve (12) inches above the ground for larger sizes.

**Canopy sign** means a wall sign that is permanently affixed to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

**Cash-in-lieu** means that the applicant, at the option of the Board of Trustees, may pay the Town money instead of land dedication in those cases where the dedication of land is unacceptable. The payment shall comply with the following requirements unless otherwise provided for this Code.

- a. Payment shall be based on the market value, to be determined after completion of the platting process, of the entire property as it is valued after platting.
- b. The value of the land is based upon an appraisal by a competent, independent appraiser selected by the Town and the applicant, or upon value negotiated between the Town and the applicant. The suitability of the land to be dedicated for public purposes and the credit to be given toward the land dedication requirement is at the Town's sole option and discretion.
- c. A proportionate amount of this value shall be assigned to any parcels or properties requested by the Town for public use.
- d. Minimum payment for cash-in-lieu of land dedication shall be five hundred dollars (\$500.00) for any required dedication.
- e. Combination of dedication and cash-in-lieu:
  1. The applicant, at the option of the Board, may meet the dedication requirements through a combination of cash-in-lieu and land dedication in those cases where a portion of the dedication of land is unacceptable.
  2. The value of the combination of both the land dedication and the cash-in-lieu of land shall not exceed the full market value of the total required dedication of sites and land areas.

**Cemetery** means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with, and within the boundaries of, such cemetery.

**Character** means those attributes, qualities and features that make up and distinguish a development project and give such project a sense of purpose, function, definition and uniqueness.

**Child care center** means a facility, by whatever name known, which is maintained for the whole or part of a day for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day

nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled children and those facilities which give twenty-four-hour-per-day care for dependent and neglected children, but specifically excludes any family care home as defined in this Code. Child care centers are also those facilities for children under the age of six (6) years with stated educational purposes which are operated in conjunction with a public, private or parochial college or a private or parochial school, except that the term shall not apply to a kindergarten maintained in connection with a public, private or parochial elementary school system of at least six (6) grades so long as the school system is not also providing extended day services.

***Church or place of worship and assembly*** means a building containing a hall, auditorium or other suitable room used for the purpose of conducting religious or other services or meetings of the occupants of such structure. *Church or place of worship and assembly* shall include churches, synagogues or the like, but shall not include buildings used for commercial endeavors, including but not limited to commercial motion picture houses or stage productions.

***Clerestory*** means a portion of an interior rising above adjacent rooftops and having windows admitting daylight to the interior.

***Clinic*** means a building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

***Clubs and lodges*** means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

***Cohesive*** means having a natural or logical agreement of parts connected, as in a cohesive neighborhood.

***Commercial mineral deposits*** means oil, gas, gravel and other natural deposits that may be extracted from a property for economic benefit.

***Common equestrian stabling and grazing*** means shared pastures and/or common barns for horses in a rural subdivision which is owned and maintained by a homeowners' association.

***Common open space*** means a parcel of land, an area of water or a combination of land and water within the site designated for a planned unit development (PUD) designed and intended primarily for the use or enjoyment of residents, occupants and owners of the planned unit development.

***Community Design Principles and Development Standards*** means the standards in this Code set forth in Article 2.

***Community facility*** means a publicly owned facility or office building which is primarily intended to serve the recreational, educational, cultural, administrative or entertainment needs of the community as a whole.

***Compatibility*** means the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting

compatibility include height, scale, mass and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are landscaping, lighting, noise, odor and architecture. *Compatibility* does not mean *the same as*. Rather, *compatibility* refers to the sensitivity of development proposals in maintaining the character of existing development.

***Comprehensive Plan*** means the Frederick Comprehensive Plan.

***Compressed gravel*** means gravel that has ninety-five percent (95%) compaction at standard proctor densities at two percent, plus or minus (2%  $\nabla$ ), optimum moisture content.

***Condominium*** means a single dwelling unit in a multiple unit structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

***Connecting walkway*** means:

- a. Any street sidewalk; or
- b. Any walkway that directly connects a building entrance to the street sidewalk, and connects other origins and destinations for pedestrians, including but not limited to commercial establishments, schools, parks, dwellings, work places and transit stops, without requiring pedestrians to walk across parking lots or driveways, around buildings or following parking lot outlines which are not aligned to a logical route.

***Conservation easement*** means a legal document created pursuant to Section 38-30.5-101 et seq., C.R.S., which restricts the development rights of property in perpetuity and permits the property to be used only for the conservation purposes permitted in Section 38-30.5-101 et seq., C.R.S., Section 170(h) of the Internal Revenue Code and the Treasury Regulations adopted under Section 170(h).

***Container*** (a/k/a cargo or shipping container) means a truck trailer body that can be detached from the chassis for loading into a vessel, a rail car or stacked in a container depot. Containers may be ventilated, insulated, refrigerated, flat rack, vehicle rack, open top, bulk liquid or equipped with interior devices. A standard container may be twenty (20) feet, forty (40) feet, forty-five (45) feet, forty-eight (48) feet or fifty-three (53) feet in length, eight (8) feet or eight (8) feet six (6) inches in width, and eight (8) feet six (6) inches or nine (9) feet (6) six inches in height.

***Convenience retail store*** means a retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services which may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs and sundries.

***Convenience shopping center*** means a shopping and service center located in a complex which is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas and residences.

***Cornice*** means a continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

**Covenants** means a private written agreement outlining regulations specific to a development. As private restrictions, they are not enforced by the Town. In the event of conflict between the covenants and this Code, this Code controls.

**Critical plant communities** means vegetation which is essential to the conservation of threatened or endangered species and which may require special management considerations or protection.

**Crosswalk** means a pathway marked off for pedestrians to cross a street.

**Cul-de-sac** means a local street with only one (1) outlet and having the other end for the reversal of traffic movement.

**Cultural** assets means buildings, locations and other features considered historically or socially significant to the community.

**Dedicated land** means land transferred to the Town by platting, title, deed or other legal method approved by the Town Attorney.

**Dedication** means any grant by the owner of a right to use land for the public in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

**Density** means the overall average number of dwelling units located on the gross or net residential acreage (as applicable) contained within the development and calculated on a per-acre basis. Gross density is calculated by dividing the total number of units by the total acreage. Net density is calculated by dividing the [total number of units] by the [total acreage minus all publicly dedicated land].

**Design standards** means the standards that set forth specific improvements requirements.

**Detention basin** means a man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of property, into natural or man-made outlets.

**Developer** means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**Development** means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two (2) or more parcels. When appropriate in context, *development* shall also mean the act of developing or to the result of development. *Development* shall also include:

- a. Any construction, placement, reconstruction, alteration of the size or material change in the external appearance of a structure on land;
- b. Any change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on a tract of land or a material increase in the intensity and impacts of the development;

- c. Any change in use of land or a structure;
- d. Any alteration of a shore or bank of a river, stream, lake, pond, reservoir or wetland;
- e. The commencement of drilling oil or gas wells, mining, stockpiling of fill materials, filling or excavation on a parcel of land;
- f. The demolition of a structure;
- g. The clearing of land as an adjunct of construction;
- h. The deposit of refuse, solid or liquid waste or fill on a parcel of land;
- i. The installation of landscaping within the public right-of-way, when installed in connection with the development of adjacent property; and
- j. The construction of a roadway through or adjoining an area that qualifies for protection as a wildlife or natural area.

***Development*** shall *not* include:

- a. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any public utility for the purpose of inspecting, repairing, renewing or constructing on established rights-of-way any mains, pipes, cables, utility tunnels, power lines, towers, poles or the like; provided, however, that this exemption shall not include work by a public entity in constructing or enlarging mass transit or fixed guide way mass transit depots or terminals or any similar traffic-generating activity;
- c. The maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;
- d. The use of any land for an agricultural activity;
- e. A change in the ownership or form of ownership of any parcel or structure; or
- f. The creation or termination of rights of access, easements, covenants concerning development of land, or other rights in land.

***Development plan*** means the written and graphical documents that detail the provisions for development of a PUD development. These provisions may include, and need not be limited to, easements, covenants and restrictions relating to use; location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways, roads, pedestrians, areas and parking facilities; and common open space and other public facilities.

***Developmental disability*** means a disability that is manifested before the person reaches twenty-two (22) years of age; constitutes a substantial handicap to the affected individual; and



is attributable to mental retardation or related conditions which include cerebral palsy, epilepsy, autism or other neurological conditions when such conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a mentally retarded person.

***Dormer*** means a projecting structure built out from a sloping roof, usually housing a vertical window or vent.

***Downtown*** means the original business district of the Town. *Downtown* is designated as commercial on the *Land Use and Public Facilities Map* and is located south of Second Street, west of Locust Street, north of Seventh Street and east of Main Street. The boundary of downtown may change as the Town continues to grow.

***Drive aisles*** means the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term *drive aisle* does not include lanes used only or primarily for drive-in customer service.

***Drive-in use*** means an establishment which, by design, physical facilities, service or packaging procedures, encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

***Driveway*** means a constructed vehicular access serving one (1) or more properties and abutting a public or private road.

***Dwelling*** means a building used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multi-family dwellings.

***Dwelling, multi-family*** means a dwelling containing three (3) or more dwelling units, not including hotels, motels, fraternity houses and sorority houses and similar group accommodations.

***Dwelling, single-family*** means a building designed exclusively for occupancy by one (1) family, but not including a mobile home, otherwise provided herein.

***Dwelling, single-family attached*** means a residential building containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. The term is intended primarily for such dwelling types as townhouses and duplexes.

***Dwelling, single-family detached*** means a single-family dwelling which is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

***Dwelling, two-family*** means a building occupied by two (2) families living independently of each other.

***Dwelling unit*** means one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling or mixed-use building.

**Easement** means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation or particular persons for specified uses.

**Eave** means the overhanging lower edge of a roof.

**Elevation** means the external vertical plane of a building. Elevations are considered different if they have different roof lines, building materials, details, color and overall stylistic expression.

**Employees** means the total number of persons to be employed in a building during normal periods of use.

**Entertainment facilities and theaters** means a building or part of a building devoted to showing motion pictures or dramatic, musical or live performances.

**Environmentally sensitive areas** means aquifer recharge areas, significant wildlife habitat and migration corridors, unique vegetation and critical plant communities, and ridge lines.

**Family** means an individual living alone, or either of the following groups living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or
- b. Any unrelated group of persons consisting of:
  1. Not more than three (3) persons;
  2. Not more than two (2) unrelated adults and their children, if any; or
  3. Not more than eight (8) developmentally disabled persons and appropriate staff occupying a dwelling unit and living as a single, nonprofit housekeeping unit.

**Family child care home** means a facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen (18) years who are not related to the head of such home. *Family child care home* may include infant-toddler child care homes, large child care homes, experienced provider child care homes and such other types of family child care homes designated by rules of the State Department of Social Services pursuant to Section 26-6-106(2)(p), C.R.S.

**Farm animals** means animals commonly raised or kept in an agricultural, rather than an urban, environment, including but not limited to chickens, pigs, sheep, goats, horses, cattle, llamas, emus, ostriches, donkeys and mules.

**Feedlot** means any tract of land or structure, pen or corral, wherein cattle, horses, sheep, goats, emus, ostriches or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**FEMA** means the Federal Emergency Management Agency.

**FHA** means the Federal Housing Administration.

***Floodplain or flood hazard area*** means an area which has been designated by the Board of Trustees, the Colorado Water Conservation Board or FEMA as susceptible to flooding.

***Flood-prone*** means an area subject to flooding which has not been designated by the Board of Trustees, the Colorado Water Conservancy Board or FEMA.

***Floodway*** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

***Floor area***, also called *gross floor area*, means the total square footage of the building measured along the outside walls of the building and including each floor level, but not including open balconies, garages or other enclosed automobile parking areas and basement storage areas, and not including one-half (½) of all storage and display areas for durable goods.

***Floor Area Ratio (FAR)*** means the amount of gross floor area of all principal buildings on a lot or block, as the case may be, divided by the total area of such lot, or the block size, respectively, on which such buildings are located. For mixed-use blocks, the residential square footage shall be added to the commercial development for a total block FAR.

***Footprint***, also called *ground level footprint*, means the outline of the total area which is covered by a building's perimeter at ground level.

***Foster care home*** means a facility that is certified by the County Department of Social Services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four-hour family care for a child under the age of eighteen (18) years who is not related to the head of such home, except in the case of relative care.

***Frederick Comprehensive Plan*** means the plan which was adopted by the Planning Commission and Board of Trustees in accordance with Section 31-23-206, C.R.S., to guide the future growth, protection and development of the Town, affording adequate facilities for housing, transportation, comfort, convenience, public health, safety and general welfare of its population.

***Freestanding sign*** means a sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground, or which is erected on the ground, and shall also include a monument sign and pole signs but does not include a sign attached to a structure.

***Functional open space*** means open space which is large enough to serve a practical purpose such as recreation, wildlife habitat or preservation of areas of agricultural, archeological or historical significance and shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells or their appurtenances, or other hazards to the public.

***Funeral home*** means a building used for the preparation of the deceased for burial or cremation, for the display of the deceased and/or for ceremonies or services related thereto, including cremation and the storage of caskets, funeral urns, funeral vehicles and other funeral supplies.

**Gable** means the triangular portion of a wall enclosing the end of a pitched roof from cornice or eaves to ridge.

**Gasoline station** means any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning may be conducted. *Gasoline station* shall not include premises where heavy automobile maintenance activities such as engine overhaul, automobile painting and body fender work are conducted.

**Geologic hazards** means unstable or potentially unstable slopes, undermining, faulting, landslides, rockfalls, flood, wildfire or similar naturally occurring dangerous features or soil conditions or natural features unfavorable to development.

**Grade** means:

- a. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.
- b. The degree of rise or descent of a sloping surface.

**Grade, finished** means the final elevation of the ground surface after development.

**Grade, natural** means the elevation of the ground surface in its natural state, before man-made alterations.

**Grocery store, large** means a retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies a space greater than twenty-five thousand (25,000) square feet. The term *large grocery store* is synonymous with *supermarket*.

**Grocery store, small** means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not more than twenty-five thousand (25,000) square feet.

**Gross square footage (GSF)** means the total floor area designed for occupancy and use, including basements, mezzanines, stairways and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

**Group home, developmentally disabled** means a group home licensed by the State for the exclusive use of not more than eight (8) developmentally disabled persons and the appropriate staff.

**Group home, elderly** means an owner-occupied or nonprofit group home for the exclusive use of not more than eight (8) persons sixty (60) years of age or older and the appropriate staff.

- a. **Nonprofit group home** means a group home for the aged which is owned and operated by a person or organization as provided by Section 31-23-303, C.R.S.

- b. ***Owner-occupied group home*** means a group home for the aged which is owned and operated by an individual or individuals who actually reside at and maintain their primary place of residence in the group home.

***Group home, mentally ill*** means a group home licensed by the state for the exclusive use of not more than eight (8) mentally ill persons and the appropriate staff.

***Guest house*** means an accessory structure which is physically detached from a single-family dwelling unit, is serviced through the same utility meters or connections as the principal use, is intended for temporary occupancy by visitors to the family residing in the single-family dwelling, and has no cooking facilities.

***Health club*** means a facility that provides physical fitness services and/or equipment to its members.

***Hip roof*** means a roof having sloping ends and slides meeting at an inclined projecting angle.

***Historic district*** means an area related by historical events or themes by visual continuity or character, or by some other special feature that helps give it a unique historical identity. Such area may be designated a historic district by local, state or federal government and given official status and protection.

***Historic site*** means a structure or place of historical significance. Such structure or place may be designated a historic site by local, state or federal government and given official status and protection.

***Home occupation*** means an occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit, and is subordinate to the residential use of the dwelling unit.

***Homeowners' association (HOA)*** means the association set up to enforce the covenants and maintain all common areas and buildings for a development, also known as *owners' association*.

***Horticulture*** means the growing of fruits, vegetables, herbs, flowers or ornamental plants.

***Hospital*** means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured, and including related facilities such as laboratories, out-patient departments, training and central services facilities and staff offices.

***Hotel, motel or lodging establishment*** means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

***I-25 Corridor and Highway 52 Corridor*** means the area within one thousand five hundred (1,500) feet of the rights-of-way of Interstate Highway 25 and State Highway 52.

***Illumination, direct*** means lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

***Illumination, indirect*** means lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. *Indirect illumination* does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights or lights inside a building that may silhouette a window sign but are primarily installed to serve as inside illumination.

***Illumination, internal*** means lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

***Industrial, heavy*** means uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. *Heavy industrial* shall also mean those uses engaged in the operation, parking and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments and transport terminals (truck terminals, public works yard, container storage).

***Industrial, light*** means uses engaged in the manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales or distribution of such products. Further, light industrial shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories or the like. *Light industrial* shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal or related industries.

***Infrastructure*** means those man-made structures which serve the common needs of the population, such as: potable water systems; wastewater disposal systems; solid waste disposal sites or retention areas; storm drainage systems; electric, gas or other utilities; bridges; roadways; bicycle paths or trails; pedestrian sidewalks, paths or trails; and transit stops.

***Integrate*** means to combine or coordinate separate elements (such as housing, recreation, jobs, and shopping), so as to provide a harmonious, interrelated whole, organized or structured so that constituent parts function cooperatively.

***Inter-neighborhood connections*** means connections (such as trails and roads) between neighborhoods.

***Intra-neighborhood connections*** means connections (such as trails and roads) within the same neighborhood.

***Irrigation ditch or canal*** means a channel designed to transport irrigation water.

***Junk*** means garbage and all other waste matter or discarded or unused material such as, but not limited to, salvage materials, scrap metal, scrap materials, bottles, tin cans, paper, boxes, crates, rags, used lumber and building materials, manufactured goods, appliances, fixtures, furniture, machinery, motor vehicles or other such items which have been abandoned, demolished or dismantled, or are in such a condition as to be unusable for their original use, but may be used again in present or different form for a new use; discarded or inoperable

vehicles, machinery parts and tires; and other materials commonly considered to be refuse, rubbish or junk.

***Junkyard*** means an industrial use contained within a building, structure or parcel of land, or portion thereof, used for collecting, storing or selling wastepaper, rags, scrap metal or discarded material, or for collecting, dismantling, storing, salvaging or demolishing vehicles, machinery or other material and including the sale of such material or parts thereof. *Junkyard* shall not include a recycling facility.

***Kennel*** means a facility licensed to house dogs, cats or other household pets and/or where grooming, breeding, boarding, training or selling of animals is conducted as business.

***Landowner*** means any owner of a legal or equitable interest in real property, and includes the heirs, successors and assign of such ownership interests.

***Landscaping*** means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. *Landscaping* shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

***Lane*** means a private street; a portion of a roadway delineated for a single line of vehicles; or a secondary means of access to the abutting lots and not intended for general traffic circulation.

***Large retail establishment*** means a retail establishment, or any combination of retail establishments in a single building, occupying more than twenty-five thousand (25,000) gross square feet of floor area, except that no supermarket shall be deemed to be a large retail establishment.

***Laundry and dry-cleaning retail outlet*** means a laundry or dry-cleaning business which consists primarily of serving retail customers, provided that any laundry and dry-cleaning processing that occurs on the premises is limited to items which are brought directly to the premises by the retail customer.

***Lighting, indirect***, when applied to the lighting of signs, shall mean reflected light only from a concealed light source outside the sign face which reflects from the sign face only or from the sign face and sign copy.

***Limited indoor recreation facility*** means a place where recreation activities occur completely within an enclosed structure, including but not limited to bowling alleys, skating rinks, pool halls, video and pinball parlors.

***Limited outdoor recreation facility*** means a place with outdoor activities, including but not limited to miniature golf, batting cages, water slides, skateboard parks, driving ranges and go-cart tracks.

***Livestock*** means domestic animals kept or raised for use, pleasure and/or profit.

***Lodging establishment*** means a building intended and used for occupancy as a temporary abode for individuals who are lodged with or without meals, in which there are five (5) or more guest rooms.

***Long-term care facility*** means any of the following:

- a. ***Convalescent center*** means a health institution that is planned, organized, operated and maintained to offer facilities and services to inpatients requiring restorative care and treatment and that is either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.
- b. ***Intermediate health care facility*** means a health-related institution planned, organized, operated and maintained to provide facilities and services which are supportive, restorative or preventive in nature, with related social care, to individuals who, because of a physical or mental condition, or both, require care in an institutional environment but who do not have an illness, injury or disability for which regular medical care and twenty-four-hour-per-day nursing services are required.
- c. ***Nursing care facility*** means a health institution planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour-per-day nursing services for illness, injury or disability. Each patient shall be under the care of a physician licensed to practice medicine in the State. The nursing services shall be organized and maintained to provide twenty-four-hour-per-day nursing services under the direction of a registered professional nurse employed full time.

***Lot*** means a designated parcel, tract or area of land established by plat or subdivision of at least a sufficient size to meet minimum requirements for use, street frontage coverage and area, and to provide required yards and other open spaces in the zoning district in which the lot is located, and which has direct access onto a public or private street.

***Lot depth*** means the average distance between the front lot line and the rear lot line.

***Lot, double frontage*** means a lot which fronts on one (1) public street and backs on another.

***Lot, flag*** means a lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

***Lot line, front*** means the property line dividing a lot from a street. On a corner lot, only one (1) street line shall be considered as a front line, and the shorter street frontage shall be considered the front line.

***Lot line, rear*** means the line opposite the front lot line.

***Lot line, side*** means any lot lines other than the front lot line or rear lot line.

***Lot, reverse corner*** means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.



**Lot size** means the total horizontal area within the lot lines of a lot; synonymous with area of lot.

**Lot width** means the distance parallel to the front lot line, measured at the front building setback line. *Lot width on a curving front lot line* means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

**Machine shop** means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts.

**Manufactured home** means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
- c. Is permanently affixed to and installed on an engineered permanent foundation;
- d. Has a pitched or cosmetically equivalent roof, and brick or wood exterior siding; and
- e. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

**Manufacturing** means a business which makes products by hand or by machinery.

**Medical and dental offices and clinics** means an establishment operated by one (1) or more duly licensed members of the human health care professions, including but not limited to physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for examination and/or treatment.

**Meeting place and place for public assembly** means a hall, auditorium or other suitable room used for the purpose of conducting meetings of the membership and guests of the owner of such structure. The same shall not include commercial endeavors such as commercial movie picture houses, stage productions or the like.

**Mini-storage warehouse** means a building or a group of buildings containing separate, individual self-storage units divided from the floor to ceiling by a wall with an independent entrance from the exterior of the building, designed to be rented or leased on a short-term basis to the general public for private storage of personal goods, materials and equipment.

**Mixed use** shall mean the development of a lot, tract or parcel of land, building or structure with two (2) or more different uses, including but not limited to residential, office, retail, public uses, personal service or entertainment uses, designed, planned and constructed as a unit.

**Mixed-use building** means a building designed, planned and constructed as a unit, used partially for residential use and partly for commercial uses, including but not limited to office, retail, public uses, personal service or entertainment uses.

**Mixed-use dwelling unit** means the dwelling unit in a mixed use building. For purposes of calculating residential density, each dwelling unit shall count as one-half (½) dwelling unit.

**Mobile home** means a single-family dwelling unit partially or entirely manufactured in a factory, built on a permanent chassis, and designed to be transported on streets to the place where it is to be occupied as a dwelling unit. A mobile home shall conform to the following design and installation standards:

- a. Is at least twenty-four (24) feet wide and thirty-six (36) feet long;
- b. Is permanently affixed to and installed on an engineered, permanent perimeter foundation;
- c. Has a pitched or cosmetically equivalent roof and brick or wood exterior siding; and
- d. Complies with HUD or UBC standards, as applicable, or meets or exceeds equivalent requirements and performance engineering standards.

**Model home** means a dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer or contractor). The dwelling may be furnished but not occupied as a residence while being used as a model home.

**Model plans** means a set of standard plans for a home. Models are considered different if they have different floor plans, garage placement and building massing (form and structure).

**Modified grid pattern** means a grid pattern of streets and blocks adapted to the topography, unique natural features, environmental constraints and peripheral open space areas.

**Mullion** means a slender vertical member dividing the opening for a pair of double doors, sometimes removable to permit the passage of large objects or, also, a vertical member between the lights of a window.

**Multiple-family dwelling** means a dwelling containing three (3) or more dwelling units, including what is commonly known as an apartment building, but not including group, row or townhouses, or hotels, motels or condominiums, fraternity and sorority houses and similar group accommodations.

**Municipality** means an incorporated city or town.

**Muntin** means a rabbeted member for holding the edges of windowpanes within a sash.

**Natural areas** means floodplains and flood ways, natural drainage and water ways, significant native trees and vegetation, wildlife travel corridors, special habitat features such as raptor nest sites, key nesting, breeding or feeding areas for birds; fox and coyote dens, prairie dog colonies over twenty-five (25) acres in size, remnant native prairie habitat, plains cottonwood galleries, and any wetland greater than one-quarter (¼) acre in size as identified on the *Town of Frederick Wetlands Map 2002*.

**Neighborhood** means a geographical area, the focus of which is residential uses, but also may include a mixture of activities that people need to live. A *neighborhood* may include a

diversity of housing types, schools, parks, shopping and jobs (frequently service-type), and a civic component.

***Neighborhood commercial center*** means a shopping center which contains businesses that are intended to provide goods and services to the immediate neighborhood (within a one-quarter-mile radius).

***Nightclub*** means a bar or tavern containing more than one hundred (100) square feet of dance floor area.

***Nonconforming building*** means a building or structure, or portion thereof, that does not conform to the regulations of this Code, but that was lawfully constructed under the regulations in force at the time of construction.

***Nonconforming use*** means a use that does not conform to the use regulations of this Code, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

***Nursing facility*** means a facility or a distinct part of a facility which meets the state nursing home licensing standards, is maintained primarily for the care and treatment of inpatients under the direction of a physician, and meets the requirements in federal regulations for certification as a qualified provider of nursing facility services. *Nursing facility* includes private, nonprofit or proprietary intermediate nursing facilities for the mentally retarded or developmentally disabled.

***Off-street parking area*** means all off-street areas and spaces designed, used, required or intended to be used for the parking, storage, maintenance, service, repair, display or operation of motor vehicles, including driveways or access ways in and to such areas, but not including any outdoor storage area used principally as a recreational vehicle, boat or truck storage use, storage areas for landscaping and other bulk items or public streets and rights-of-way.

***Oil and gas operation*** means any structure, facility or activity which is constructed on or disturbs land in association with oil or gas drilling, production or waste treatment and disposal, including but not necessarily limited to wells, tanks or tank batteries, pits, access roads for ingress and egress and pipelines.

***Oil or gas well*** means a well, the principal production of which at the mouth of the well is oil or gas.

***Old Town*** means the original Town of Frederick located south of First Street, west of Maple Street, north of Eighth Street and east of Main Street.

***Open space*** means any land or water area with its surface open to the sky, which serves specific uses of: providing park and recreation opportunities, conserving natural areas, wildlife habitat, agricultural areas and environmental resources, structuring urban development form, and protecting areas of agricultural, archeological or historical significance. *Open space* shall not be considered synonymous with vacant or unused land, but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances, or other hazards to the public.

***Outdoor display*** means the display of products for sale outside a building or structure in areas which customers have access to, including vehicles, garden supplies, tires, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials and lumber yards. *Outdoor display* areas in vehicular parking areas shall not impede access, encroach into the required setbacks or reduce the number of required parking spaces.

***Outdoor storage*** means the keeping, outside a building, of any equipment, goods, material, merchandise or vehicles in the same place for more than twenty-four (24) hours. Containers and semi-trailers may not be used for residential or storage uses except on construction sites. *Outdoor storage* shall not include the storing of junk or the parking of inoperable motor vehicles.

***Outlot*** means a measured piece of land contained within subdivided land that is not a building lot. An *outlot* may be conveyed to the public for open space or other public purposes, be retained by the developer for later subdivision or be conveyed to an owners association.

***Owner*** means the person or entity that owns the property under consideration.

***Parapet*** means a low, protective wall at the edge of a terrace, balcony or roof, especially that part of an exterior wall, fire wall or party wall that rises above the roof.

***Parcel*** means a tract or plot of land.

***Park*** means an area open to the general public and reserved for recreational, educational or scenic purposes.

***Parking garage*** means an off-street parking area within a building.

***Parking lot*** means an off-street parking area or vehicular use area.

***Pedestrian scale (human scale)*** means the proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

***Pergola*** means a structure of parallel colonnades supporting an open roof of beams and crossing rafters or trellis work, over which climbing plants are trained to grow.

***Permanent monument*** means any structure of masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

***Personal and business service shops*** means shops primarily engaged in providing services generally involving the care of the person or such person's apparel or rendering services to business establishments, such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service or mailing and copy shops.

***Personal property rights*** means the rights a property owner within the Town has to use his or her property within the legal parameters set forth in this Code.

***Phase*** means a portion of property that is being platted and engineered for development at the same time.

***Pilaster*** means a rectangular support or pier treated architecturally as a column, with a base shaft and capital.

***Plan*** means the map and supporting documentation for a development, which includes but is not limited to lots, blocks, easements, rights-of-way, pedestrian ways, park and school sites, open space areas and conservation areas in accordance with the requirements of this Code.

***Planned unit development (PUD)*** means a project of a single owner or a group of owners acting jointly, involving a related group of residences, businesses or industries and associated uses. Planned as a single entity, the project is subject to development and regulations as one (1) land-use unit rather than as an aggregation of individual buildings located on separate lots. The planned unit development includes usable, functional open space for the mutual benefit of the entire tract; and is designed to provide variety and diversity through the variation of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood. Approval of a planned unit development does not eliminate the requirements of subdividing and recording a plat.

***Planning area boundary*** means the area surrounding the Town that the Town will consider annexing and developing. The planning area boundary is delineated on the *Land Use and Public Facilities Map*.

***Plant nursery*** and *greenhouse* means any land or structure used primarily to raise trees, shrubs, flowers or other plants for sale or for transplanting.

***Plat*** means a map of certain described land prepared in accordance with the requirements of this Code and Section 38-51-106, C.R.S., as an instrument for recording of real estate interests with the County Clerk and Recorder.

***Prime farmland*** means land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides and labor and without intolerable soil erosion, as determined by the Secretary of Agriculture. *Prime farmland* includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage.

***Principal use*** means the main use of land or of a structure as distinguished from a subordinate or accessory use.

***Private school*** means a school that is established, conducted and primarily supported by a nongovernmental agency.

***Professional office*** means an office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants and others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

***Proof of ownership*** means ownership as specified in a current title insurance commitment or policy, or certification of title, issued by a title insurance company licensed by the State.

***Property*** means all real property subject to land use regulation by the Town.

**Property line** means the boundary of any lot, parcel or tract as the same is described in the conveyance of such property to the owner; and does not include the streets or alleys upon which the said lot, parcel or tract abuts.

**Public areas** means streets, parks, open spaces and other property designated or described as for public use on a map or plat of the Town and fee title is vested in the Town, other public body or a special district as defined in Section 32-1-10, C.R.S.

**Public facilities** means those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities, and publicly owned buildings or facilities.

**Public hearing** means a meeting called by a public body for which public notice has been given and which is held in a place at which the general public may attend to hear issues and to express their opinions.

**Public improvement** means any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree lawn, landscaped open space, off-street parking area, lot improvement or other facility which benefits the public.

**Public open space** means an open space area conveyed or otherwise dedicated to the municipality, state or county or other public body for recreational or conservation uses. Public open spaces are to be unencumbered by oil and gas wells, their appurtenances or other hazards to the public.

**Public school** means a free, tax-supported school that is controlled and operated by the St. Vrain Valley School District.

**Public use** means a use which is owned by and operated for the public by the Town, County, state or federal governments or by school districts.

**Public utility** means a common carrier supplying electricity, wire telephone service, natural gas, water, wastewater or storm water service or similar public services, but shall not include railroads, other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

**Quasi-public** means having the nature or characteristics of being public, but owned by a private or not-for-profit entity.

**Raw water** means water rights acceptable to the Town for domestic purposes, or water rights acceptable to the Town that may be used for irrigation of public facilities.

**Recreational vehicle (RV)** means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The following shall be considered a *recreational vehicle*:

- a. **Camping trailer or tent trailer** means a folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels and designed for travel and recreation.

- b. **Motorized camper, motor home, recreational conversion van** or *bus* means a recreational vehicle consisting of a portable, temporary dwelling to be used for travel, recreation and vacation uses, and constructed as an integral part of a self-propelled vehicle.
- c. **Pick-up camper** means a vehicle designed to be mounted on or loaded into a pick-up truck chassis for use as a temporary dwelling for travel and recreation.
- d. **Tent** means a portable or temporary cover or shelter, with or without side panels, which is supported by poles and is made of canvas, plastic or similar materials.
- e. **Travel trailer** means a towed vehicle designed as a temporary dwelling for travel and recreation.
- f. **Travel trailer, self-contained** means a trailer which can operate independently of connections to sewer, water and electric systems. It contains a water-flushed toilet, lavatory, shower or bath and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

**Recreational vehicle park** means a parcel of land specifically developed for locating only recreational vehicles on lots on a short-term basis.

**Recreational vehicle storage facility** means a parcel of land specifically developed for locating, storing, displaying or selling recreational vehicles.

**Recreational vehicle site** means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

**Recycling facility** means a building used for the collection and/or processing of recyclable material. *Processing* shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting or cleaning. Such a facility, if entirely enclosed within a building or buildings, shall be considered a warehouse.

**Resource extraction, processes and sales** means removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged.

**Restaurant, drive-through** means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

**Restaurant, fast food** means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics.

- a. Food and beverages are usually served in paper, plastic or other disposable containers;
- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building, or for carry-out; and
- c. Drive-through facilities are allowed, subject to review of traffic patterns, vehicle stacking areas and entrance and exit locations.

***Restaurant, standard*** means any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

***Resubdivision*** means the changing of any existing lot or lots, street rights-of-way or easements of a subdivision plat previously recorded with the County Clerk and Recorder.

***Retention basin*** means a pond, pool or basin used for permanent storage of water runoff.

***Right-of-way*** means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another special use. The usage of the term *right-of-way* for land platting purposes shall mean that every right-of-way established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use on the plat on which such right-of-way is established.

***Roof, gable*** means a roof sloping downward in two (2) parts from a central ridge, so as to form a gable at each end.

***Roof, hip*** means a roof having sloping ends and sides meeting at an inclined projecting angle.

***Rural road*** means a street designed following the rural local cross-section as described in Section 2.9.

***Salvage or wrecking yard*** means a place where motor vehicles and parts are wrecked, disassembled, repaired and resold, a place where secondhand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage, are collected to be stored and a place where used lumber and used building materials are stored for sale or resale.

***Sanitary facilities*** means toilets, urinals, lavatories, showers, utility sinks and drinking fountains, and the service buildings containing these units.



**Sanitary waste station** means a facility used for removing and disposing of waste from self-contained camping vehicle sewage holding tanks.

**Searchlight** means an apparatus used to project a beam of light.

**Senior citizen** means a person fifty (50) years of age or older.

**Service building** means a structure housing toilet, lavatory, bath, laundry, service sink and other such sanitary facilities as may be required.

**Setback** means the required unoccupied open space between the nearest projection of a structure and the property line of the lot on which the structure is located.

**Setback, front yard** means the distance a building or structure must be placed from the front lot line.

**Setback, rear yard** means the distance a building or structure must be placed from the rear lot line.

**Setback, side yard** means the distance a building or structure must be placed from the side lot line.

**Shopping center** means a group of retail and service establishments located in a complex which is planned, developed, owned or managed as a unit, with off-street parking provided on the property.

**Sidewalk** means the hard surface path within the street right-of-way for use by pedestrians and/or bicyclists.

**Sight distance triangle** means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area. The size of the sight distance triangles is determined as follows:

- a. At the intersection of any two (2) streets or where a street intersects with an alley, a triangle measuring thirty (30) feet along each curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2).
- b. At the intersection of a driveway or private access and a street, a triangle measuring fifteen (15) feet in length along the edge of the driveway and along the curb or edge of roadway from their point of intersection, the third side being a diagonal line connecting the first two (2).

**Sign, projecting** means any sign supported by a building wall and projecting therefrom.

**Sign, wall** means any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cut-out letters or devices affixed to the building wall with no background defined on the building wall.

**Sign, window** means a sign that is painted on, applied or attached to a window or that can be read through the window from the public right-of-way.

**Significant wildlife habitat** and *migration corridors* are areas designated by the Colorado Division of Wildlife and/or the Colorado Natural Diversity Information Source ([www.ndis.nrel.colostate.edu](http://www.ndis.nrel.colostate.edu)) as areas of landscape that provide food, cover and water sufficient to meet the needs of a given species to survive and reproduce.

**Site plan** means a scale drawing of a lot, showing the actual measurements, the size and location of any existing or proposed buildings, the location of the lot in relation to abutting streets, and other details such as parking areas, access points, landscaped area, building areas, setbacks from lot lines, building heights, floor areas, densities, utility locations and easements.

**Site specific development plan** means the final plat of a subdivision or final development plan of a PUD (Planned Unit Development) when approved by the Board of Trustees pursuant to Article 5 of this Code.

**Split garages** means having at least two (2) separate garages that are oriented in different directions.

**Street** means a public thoroughfare which affords the principal means of access to abutting property.

**Street furniture** means constructed objects, such as outdoor seating, kiosks, bus shelters, sculpture, tree grids, trash receptacles, fountains and telephone booths, that have the potential for enlivening and giving variety to streets, sidewalks, plazas and other outdoor spaces open to and used by the public.

**Streetscape** means the distinguishing character of a particular street within the public right-of-way, including paved materials, and the adjacent space extending along both sides of a street, including landscaping, sidewalks, medians, lighting, street furniture and signage.

**Structure** means a combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

**Subdivider** or *developer* means any person, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**Subdivision** means the platting of a lot or the division of a lot, tract or parcel of land into two (2) or more lots, plots or sites.

**Subsidence** means a local mass movement that involves the downward settling or sinking of the solid earth's surface. Subsidence may be due to natural geologic processes or man's activity such as coal mining.

**Supermarket** means a retail establishment primarily selling food, as well as other convenience and household goods, which occupies a space of not less than twenty-five thousand one (25,001) square feet.

***Swing-in garage*** means a garage that is oriented so that the garage doors are perpendicular to the street.

***Tandem garage*** means a garage that allows for the parking of one (1) car in front of another.

***Tandem parking*** means parking two (2) cars in a driveway or parking space so that one (1) car is right in front of the other and the front car cannot move until the back car is moved.

***Tavern*** means an establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous or spirituous liquors and in which the sale of food products such as sandwiches or light snacks is secondary.

***Temporary use*** means a prospective use intended for limited duration and to be located in a zoning district not permitting such use, and shall not include continuing a nonconforming use or building.

***Title commitment*** means formal documentation from a title company listing the name of the owner of the property under consideration, the legal description of the property and any legal holdings on the property such as easements, rights-of-way or liens.

***Tourist facility*** means an establishment set up to primarily provide local tourist information to visitors.

***Town Pattern Plan*** is a map developed by the Town that describes the vision for expansion of the core community in enough detail to influence the vitality and character of the Town's growth. The Plan must be based upon an analysis of the original Town pattern of development and actual opportunities and constraints associated with the land, such as easements, environmental issues, oil and gas drilling rights, etc. The street pattern must reinforce pedestrian movement and ensure that the community interconnects as it grows. The Plan is intended to guide development but not to replace the landowner's final design and input. See examples at Figures 2-1 and 2-1A. The effective date and application of this definition is delayed until adoption of the Town's Pattern Plan on either March 14, 2002 or March 28, 2002.

***Tree lawn*** means a strip of landscaping within the right-of-way, generally between the roadways and an adjacent sidewalk.

***Trip*** means a single or one-way vehicle movement to or from a property or study area. Trips can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

***Truck stop*** means an establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include overnight accommodations, showers or restaurant facilities primarily for the use of truck crews.

***Undermining*** means land that has been mined under the surface of the ground.

***USGS datum*** means the United States Geological Survey basis of elevations.

***Vacant land*** means land that does not have development on it.

***Vegetation*** means plants growing in a place, including but not limited to trees shrubs, vines, grasses and groundcover.

***Vehicle major repair, servicing and maintenance*** means any building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

***Vehicle minor repair, servicing and maintenance*** means the use of any building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

***Vested property right*** means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan, pursuant to Article 5 of this Code.

***Veterinary facilities, small animal clinic*** means any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

***Veterinary hospital*** means any facility which is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases.

***Walkable*** means a distance of one-quarter (¼) mile or within a five- to ten-minute walk.

***Walkway*** means:

- a. A right-of-way dedicated to public use that is not within a street right-of-way, to facilitate pedestrian access through a subdivision block by means of a hard surface path.
- b. Any portion of a parking area restricted to the exclusive use of pedestrian travel.

***Warehouse and distribution*** means a use engaged in storage, wholesale and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

***Warehousing*** means a business which stores or stocks merchandise or commodities.

***Wireless telecommunication equipment*** means any equipment used to provide wireless telecommunication service, which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. *Wireless telecommunication equipment* also includes a ground-mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

***Wireless telecommunication facility*** means any freestanding facility, building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of,

without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

***Wireless telecommunication services*** means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunication, personal communication services or cellular telephone.

***Workshop and custom small industry*** means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, restoration of antiques and other art objects or other similar uses.

***Yard*** means that portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.

***Yard, front*** means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

***Yard, front setback*** means the distance a building or structure must be placed from the back of the front property line.

***Yard, rear*** means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

***Yard, rear setback*** means the distance a building or structure must be placed from the back of the rear property line.

***Yard, side*** means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

***Yard, side setback*** means the distance a building or structure must be placed from the back of the side property line.

***Zone district*** means a zone district of the Town as established in Article 3 of this Code, unless the term is used in a context that clearly indicates that the term is meant to include both the zone districts of the Town and the zone districts of an adjoining governmental jurisdiction; also referred to as *zoning district*.

***Zoning map*** means the official zoning map adopted by the Town by ordinance, as amended. (Ord. 668 §1, 2002; Ord. 703 §§1, 2, 2003; Ord. 755 §§1—4, 2004)